

only one new judicial nominee all year. I wish he would work with all Senators to fill those remaining vacancies rather than through his inaction and unnecessarily confrontational approach manufacture longstanding vacancies. It is as if the President and his most partisan supporters want to create a crisis.

Over the last weeks we have heard some extremists call for mass impeachments of judges, court-stripping and punishing judges by reducing court budgets. Now we are seeing an effort at religious McCarthyism by which Republican partisans inject religion into these matters. Rather than promote crisis and confrontation, I urge this President to disavow the divisive campaign and do what most others have and work with us to identify outstanding consensus nominees. It ill serves the country, the courts and most importantly the American people for this administration and the Senate Republican leadership to continue down the road to conflict.

The Seabright nomination shows how unnecessary that conflict really is. Let us join together to debate and confirm these consensus nominees to these important lifetime posts on the federal judiciary.

It is the Federal judiciary that is called upon to rein in the political branches when their actions contravene the Constitution's limits on governmental authority and restrict individual rights. It is the Federal judiciary that has stood up to the overreaching of this administration in the aftermath of the September 11 attacks.

It is more and more the Federal judiciary that is being called upon to protect Americans' rights and liberties, our environment and to uphold the rule of law as the political branches under the control of one party have overreached. Federal judges should protect the rights of all Americans, not be selected to advance a partisan or personal agenda. Once the judiciary is filled with partisans beholden to the administration and willing to reinterpret the Constitution in line with the administration's demands, who will be left to protect American values and the rights of the American people?

The Constitution establishes the Senate as a check and a balance on the choices of a powerful President who might seek to make the Federal judiciary an extension of his administration or a wholly owned subsidiary of any political party. Today, Republicans are threatening to take away one of the few remaining checks on the power of the executive branch by their use of what has become known as the nuclear option. This assault on our tradition of checks and balances and on the protection of minority rights in the Senate and in our democracy should be abandoned. Eliminating the filibuster by the nuclear option would destroy the Constitution's design of the Senate as an effective check on the Executive. The elimination of the filibuster would

reduce any incentive for a President to consult with home State Senators or seek the advice of the Senate on lifetime appointments to the Federal judiciary. It is a leap not only toward one-party rule but to an unchecked Executive.

Rather than blowing up the Senate, let us honor the constitutional design of our system of checks and balances and work together to fill judicial vacancies with consensus nominees. The nuclear option is unnecessary. What is needed is a return to consultation and for the White House to recognize and respect the role of the Senate appointments process.

The American people have begun to see this threatened partisan power grab for what it is and to realize that the threat and the potential harm are aimed at our democracy, at an independent and strong Federal judiciary and, ultimately, at their rights and freedoms.

HYDROGEN AND FUEL CELL TECHNOLOGY ACT OF 2005

Mr. HARKIN. Mr. President, I am pleased to announce my support for an important piece of legislation recently introduced by Senator DORGAN and Senator GRAHAM, the Hydrogen and Fuel Cell Technology Act of 2005.

This legislation lays out a bold vision for the energy future of our Nation. It takes steps to secure the research, development, demonstration and market transition necessary to deliver on the tremendous promise of a "hydrogen economy."

The economy of this country today depends heavily on oil, much of which we must import from countries with hostile and dangerous regimes. This dependence on foreign oil threatens our national security, our economy and the environment. We must take the steps now to find alternative sources of energy and new ways of powering everything from cell phones to cars. This bill does exactly that.

The Hydrogen and Fuel Cell Technology Act funds the research and demonstration needed to develop key aspects of a reliable, renewable hydrogen economy. The bill incorporates language from the Hydrogen Passenger Vehicle Act, which I introduced earlier in this Congress to provide funding for projects to demonstrate the cost-effective production and distribution of hydrogen from renewable sources, such as ethanol. The bill also adopts several proposals from my Hydrogen and Fuel Cell Energy Act, including support for hydrogen transportation corridor demonstrations, such as the Upper Midwest Hydrogen Initiative.

This legislation will fund development of better fuel cell technology, of lighter, more efficient ways to store hydrogen on board vehicles, and of less expensive ways of converting renewable energy to hydrogen fuel.

It updates the language and sets clearer priorities for the existing hy-

drogen research program under the Matsunaga Act, and adds important demonstration, commercialization, and market driver mechanisms, using Federal Government procurement to help drive demand for new technology.

In order to be most effective, however, we will need to enact the tax incentives necessary to encourage widespread investment, production and utilization of hydrogen. Tax credits for fuel cell vehicles, for hydrogen fueling infrastructure, for hydrogen fuel from renewable sources, and for stationary and portable fuel cells should all be considered as part of a package of support for the hydrogen economy.

The measures proposed in this legislation will require a significant Federal investment in our energy future, but with these measures, we can use hydrogen and fuel cell technologies to realize our vision of cars that do not pollute, of power that will not go out, and of true energy security. I urge the support of my colleagues for this visionary legislation.

Mr. DORGAN. Mr. President, Senator HARKIN has shown great leadership in the effort to create a hydrogen fuel-cell economy and I welcome his support and look forward to working with him and other cosponsors as we move this legislation forward.

90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. REED. Mr. President, I, along with the Armenians in Rhode Island and throughout the United States, as well as those around the world, recognize the 90th anniversary of the Armenian Genocide.

On the night of April 24, 1915, nationalists in the Ottoman Empire rounded up and executed 200 Armenian community leaders, sparking an 8-year campaign of tyranny that impacted the lives of every Armenian in Asia Minor. By 1923, an estimated 1.5 million Armenians were murdered, and another 500,000 were exiled.

The U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., unsuccessfully pleaded with President Wilson to act. Morgenthau later remembered the events of the genocide. "I am confident that the whole history of the human race contains no such horrible episode as this," the Ambassador wrote in his memoir. "The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Unfortunately, the United States, and the world, did not intervene.

Today, on the 90th Anniversary, I am proud to be one of 32 Senators who urged President Bush to refer to the mass murder of Armenians as genocide in his commemorative statement. Failing to do so, does not properly commemorate this tragedy. Accurate acknowledgment of this event in human history is a small, but necessary, step to take.

Today, dozens of Armenian soldiers are deployed to Iraq, carrying out humanitarian operations in Karbala and al-Hilla, working as truck drivers, bomb detonators, and doctors. Armenian soldiers are also serving in Kosovo, performing peace support operations. I believe their response of helping others in need is part of the healing process. These Armenians did not allow others to be left as helpless as they were generations ago.

As a Nation, we must respond to acts of oppression to ensure that victims of hatred and prejudice did not perish in vain. We must stand as witnesses to protect people from persecution for the simple reason they are different. Thus, we must be committed to properly remembering the Armenian Genocide.

Menk panav chenk mornar. (We will never forget.)

MONTANA AIR NATIONAL GUARD

Mr. BAUCUS. The National Guard is proving to be the backbone of our efforts to protect America overseas, as they continue to play a pivotal role in homeland security. I saw this first hand 3 weeks ago when I spent a day working on the flight line with the 120th Fighter Wing of our Air National Guard in Great Falls, MT.

While doing pre-flight checks on F-16s and helping the ground crew with their maintenance tasks, I gained a new appreciation for the Guard's contribution to our communities.

Two-thirds of Montana's Air National Guard is made up of part-time citizen soldiers and their sacrifice is not going unnoticed. I am proud that I have the opportunity to reemphasize their contribution here today, in particular, since the Air Guard has recently made us very proud in Montana.

Under the leadership of Colonel Mark Meyer, our 120th Fighter Wing has been honored with three national awards for 2004—the Air Force Outstanding Unit Award, the Outstanding Security Forces Squadron of the Year Award, and the Maintenance Group Effectiveness Award.

The Air Force Outstanding Unit Award recognizes the exemplary achievements of the entire 120th Fighter Wing. On short notice the Wing deployed more than 200 airmen to the 332nd Air Expeditionary Wing at Balad Air Base, Iraq, in support of Operation Iraqi Freedom, and at home they activated 185 people to fight Montana's second largest wildfire season on record.

The Air Force also bestowed an award on the Wing's Security Forces squadron, under the direction of Squadron Commander Major Donald Mahoney. They were honored with the Air National Guard Security Forces Unit Award.

Among their standout achievements was the logistical support they provided to the South Dakota Air National Guard Security Forces while their members conducted field training exercises at Fort Harrison in Helena. And, once again, our guardsmen operated on short notice.

Their Combat Arms Specialists performed weapons qualifications for over 300 personnel in support of Operation Iraqi Freedom. They completed these tasks while protecting the Northern border between Montana and Canada and collaborating with Montana's local, civil, and military emergency services agencies.

Under the leadership of Maintenance Commander Lieutenant Colonel Kendall Switzer, the members of the 120th Fighter Wing Maintenance Group earned the Air National Guard's Maintenance Effectiveness Award for their extraordinary aircraft maintenance.

Their hard work and expertise supported three important missions: Operation Iraqi Freedom, the Alert Detachment at March Air Reserve base in California, and the Combat Air Patrol Missions of Operation Nobel Eagle.

I offer a tremendous "Well Done" to the Air National Guard. Thank you to your families, friends, employers and communities. The nation appreciates you and in Montana we are proud of our 120th Fighter Wing.

Congratulations!

EARTH DAY 2005

Mr. FEINGOLD. Mr. President, not many people can lay claim to a day, but Gaylord Nelson can. On April 22, 1970, Gaylord Nelson created a day to celebrate the glory of the Earth. Nelson biographer Bill Christofferson asks "Where did Nelson get his lifelong interest and dedication to the environment? By osmosis, [Nelson] would say, while growing up in Clear Lake Wisconsin."

It's true that Wisconsin has a tradition of great conservationists, Aldo Leopold, author of *Sand County Almanac*; Sigurd Olson, one of the founders of the Wilderness Society; and John Muir, founder of the Sierra Club. But because of Gaylord Nelson, Wisconsin can lay claim to the genesis of Earth Day, a day of national and international remembrance of the importance of our natural resources and a clean environment.

While these great leaders are well known for their conservation vision, Wisconsinites across the State do their part every day to make that vision a reality. From the backyards and parks of our cities and suburbs to our forests and farms, we take our stewardship of the land seriously. For example, our farmers continue to work with the support of Federal, State and local partnerships to prevent pollution, improve wildlife habitat, and protect wetlands and open spaces, investing millions of dollars in hundred of thousands of acres each year, all while ensuring the land is healthy enough to produce food and raw materials for generations to come.

I know that the people of Wisconsin, living in such a beautiful and ecologically diverse State, feel a special connection to our natural resources and share a long tradition of our State government achieving excellence in its conservation policies. Conservation is

part of our culture in Wisconsin, and the people in Wisconsin are very environmentally savvy. Every year I hold a town hall meeting in each one of Wisconsin's 72 counties, and protecting the environment is a top issue.

I want to take this opportunity to congratulate Mr. Nelson. He is a former member of this body, and I am privileged to hold his Senate seat. He is a distinguished former Governor of the State of Wisconsin, a recipient of the Presidential Medal of Freedom, and a personal hero of mine. I salute Gaylord Nelson for changing the consciousness of a Nation. He is the living embodiment of the principle that one person can truly change the world.

During his 18 years of service in the Senate, Gaylord Nelson brought about significant change for the "greener" in both our Nation's law and the institution of the Senate itself. He is the co-author of the Environmental Education Act, which he sponsored with the senior Senator from Massachusetts, Mr. KENNEDY, and the Wild and Scenic Rivers Act, and he sponsored the amendment to give the St. Croix and the Namekagon Rivers scenic protection. In the wake of Rachel Carson's book *Silent Spring*, Gaylord Nelson, along with Senator Philip Hart of Michigan, directed national attention to the documented persistent bioaccumulative effects of organochlorine pesticides used in the Great Lakes by authoring the ban on DDT in 1972. He was the primary sponsor of the Apostle Islands National Lakeshore Act, protecting one of northern Wisconsin's most beautiful areas.

And Senator Nelson, of course, was the founder of Earth Day. Thanks to him, here we are 35 years later taking time out of our lives to think about conservation. An astonishing 20 million Americans, 10 percent of the U.S. population, participated in the first observance of Earth Day on April 22, 1970. *American Heritage* magazine described the event as "one of the most remarkable happenings in the history of democracy." The day was marked by marches, rallies, teach-ins, and concerts. Fifth Avenue was closed for 2 hours and over 100,000 people celebrated Earth Day on Union Square in New York City.

Earth Day is an event that in addition to changing the environmental consciousness of the country literally stopped the Senate. Members of both bodies voted to adjourn their respective Houses in the middle of the legislative week to attend Earth Day events, an adjournment that would be extremely rare today. Twenty-two Senators participated by giving Earth Day speeches across the country. The National Education Association, NEA, estimated that 10 million school children celebrated in the first Earth Day. The States of New Jersey and New York created State environmental agencies that week.

Earth Day has become an important part of who we are. From Milwaukee,